

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**PUEBLO OF POJOAQUE, a federally
recognized Indian Tribe,**
Plaintiff,

vs.

No. 1:13-cv-01186-JAP/KBM

STATE OF NEW MEXICO,
Defendant.

**ORDER SETTING ASIDE ENTRY OF DEFAULT
AND DEFAULT JUDGMENT**

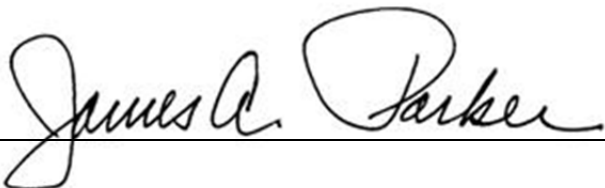
On December 13, 2013, Plaintiff Pueblo of Pojoaque filed a complaint alleging that Defendant State of New Mexico failed to negotiate with Plaintiff in good faith in violation of the Indian Gaming Regulatory Act of 1988, 25 U.S.C. §§ 2701-2721. *See* COMPLAINT (Doc. No. 1). On January 10, 2014, the Clerk of the Court entered default of Defendant State of New Mexico. *See* CLERK'S ENTRY OF DEFAULT (Doc. No. 8). On January 13, 2013, Plaintiff moved the Court for a default judgment. *See* MOTION FOR DEFAULT JUDGMENT (Doc. No. 11). On January 24, 2014, the Court entered a default judgment against Defendant. *See* DEFAULT JUDGMENT AND NOTICE OF HEARING (Doc. No. 14).

In DEFENDANT STATE OF NEW MEXICO'S MOTION TO SET ASIDE ENTRY OF DEFAULT AND DEFAULT JUDGMENT (Doc. No. 15), Defendant contends (1) the Court lacked personal jurisdiction over Defendant at the time it entered default judgment because Plaintiff never properly served Defendant and (2) the Court lacks subject matter jurisdiction because Defendant has not waived its sovereign immunity. Plaintiff concedes that the Court lacked personal jurisdiction over Defendant and that the entry of default should be set aside. *See*

RESPONSE TO DEFENDANT'S MOTION TO SET ASIDE DEFAULT AND DEFAULT JUDGMENT (Doc. No. 18).

IT IS THEREFORE ORDERED THAT:

1. DEFENDANT STATE OF NEW MEXICO'S MOTION TO SET ASIDE ENTRY OF DEFAULT AND DEFAULT JUDGMENT (Doc. No. 15) is GRANTED.
2. The entry of default and the default judgment are set aside as improvidently granted.

A handwritten signature in black ink, reading "James A. Parker". The signature is written in a cursive style with a large, looped "P". The signature is positioned above a horizontal line.

SENIOR UNITED STATES DISTRICT JUDGE